In the Supreme Court of the United States

October Term, 1977

No. 77-397

No. _____

ROBERT R. SCOTT, dba SLICK NICK'S,

Appellant,

vs.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL OF THE STATE OF CALIFORNIA; AND ALCOHOLIC BEVERAGE CONTROL APPEALS BOARD,

Appellees.

ON APPEAL FROM THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

JURISDICTIONAL STATEMENT

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DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL OF THE STATE OF CALIFORNIA; AND ALCOHOLIC BEVERAGE CONTROL APPEALS BOARD,

Appellees.

JURISDICTIONAL STATEMENT

QUESTIONS PRESENTED

1. Has the decision in *California v. LaRue,* 409 U.S. 109 retained any validity after *Craig v. Boren,*——U.S.——, 97 S.Ct. 451?

2. May a state forbid holders of on-sale alcoholic beverages from presenting non-obscene nude dancing that is not alleged to violate any other valid law?

STATEMENT OF THE CASE

On or about July 30, 1975, appellee Department of Alcoholic Beverage Control ("ABC") filed an accusation against appellant charging him with violating ABC Rules 143.3(2) and 143.3(1)(c) by permitting female entertainers to display their pubic hair and to expose their breasts, buttocks and pubic hair while "not on a stage removed at least 6 feet from the nearest patron." (Rule 143.3 appears in Appendix "A") On or about September 26, 1975, a supplemental accusation was filed charging further and similar violations of the same rules.

On May 20, 1976, following an administrative hearing, ABC adopted a proposed decision ordering suspension of appellant's on-sale beer license for a period of thirty days (a copy of the decision appears in Appendix "B").

On March 21, 1976, appellee Alcoholic Beverage Control Appeals Board filed its Opinion affirming said order of suspension (a copy of the decision of the Appeals Board appears in Appendix "C").

On April 20, 1977, appellant filed a Petition for Writ of Review and Stay Order in the Court of Appeal of the State of California, Second Appellate District. On April 28, 1977, said petition was denied without opinion (said notice appears in Appendix "D").

On May 5, 1977, appellant filed a Petition for Writ of Review and Stay Order in the Supreme Court of the State of California. On May 26, 1977, a hearing on said matter was denied (notice of said denial appears in Appendix "E").

STATEMENT OF FACTS

John Schillin, an investigator with the Department of Alcoholic Beverage Control (hereinafter "Department"), visited appellant's premises on May 16, 1975, accompanied by Investigator Griffen (R.T. p. 5). Outside the premises were several signs relating to entertainment. One said "Slick Nick's Saloon, Continuous Dancing, Continuous Entertainment, Beer, Food, Pool." Another said "Exotic Nude Dancing, 5:00 p.m. to 1:00 a.m." (R.T. p. 6).

Mr. Schillin was charged $2.00 to enter (R.T. p. 6).

Mr. Schillin described the interior as having a stage approximately one and one-half feet tall (R.T. p. 7). At the time he entered, a female named Nicole was dancing nude on the stage. She came to within three to six feet of the patrons seated around the stage (R.T. p. 8).

Mr. Schillin did not actually take any measurements in the premises. The seats around the bar were regular steel

theatre seats and were affixed to the floor (R.T. p. 23).

After a short break, Nicole returned to the stage and danced to some eleven or twelve songs. During the last five songs she was completely nude and during parts of those dances came to within three to six feet of the customers seated around the stage (R.T. p. 9).

The next dancer was Bonnie Lou Dorothy Davis, who danced to some thirteen songs. She was nude during the last six to seven songs and on occasion danced within three to six feet of the patrons seated around the stage (R.T. p. 10).

On August 21, 1975, Mr. Schillin returned to Slick Nick's with Investigator Barnes. The premises were essentially the same. On this occasion Schillin advised appellant at the time of entry that they were conducting an investigation (R.T. pp. 12-13).

Two dancers performed that evening; Patricia Louise Trammell and Kathleen Mary Ryan. Miss Ryan danced with her breasts exposed while Miss Trammell danced nude. Miss Trammell came to within three to six feet of patrons while nude (R.T. pp. 14-15).

On August 28, 1975, Mr. Schillin again went to Slick Nick's with Investigator Barnes and they identified themselves to appellant (R.T. p. 17). Two dancers were performing. Patricia Trammell, who was wearing a pantsuit, and Joan Irene Gaudet, who was nude. Miss Gaudet came within four to six feet of patrons while dancing (R.T. p. 18). Later Miss Trammell also danced nude, after Miss Gaudet had left the stage, and she also danced within four to six feet of customers seated around the stage (R.T. pp. 18-20).

Appellant Robert Scott testified that he began presenting nude entertainment in April, 1975. Prior to doing so, he installed theatre seats, erected a turnstile for admittance, and posted a sign stating the type of entertainment offered. The stage was completely rebuilt.

Since April, 1975, nude entertainment has been the

prime purpose of the business and the prime attraction to the customers (R.T. p. 78).

Waitresses are instructed to meet entering customers, ask for their ticket, assist them to a seat, and to ask if they can be of further assistance. They are not to bother a customer unless he asks for a refill, but they may empty an ashtray. Tickets have been issued at the door since they began bottomless (R.T. p. 83).

ARGUMENT

A.B.C. RULE 143.3 UNCONSTITUTIONALLY IMPINGES ON FREE SPEECH IN VIOLATION OF THE FIRST AMENDMENT BY PROHIBITING NON–OBSCENE ENTERTAINMENT BY NUDE DANCERS.

In *California v. LaRue* (1973) 409 U.S. 109, 93 S. Ct. 390, 34 L.Ed. 2d 342, this Court upheld Rule 143.3, recognizing that the rule reached performances that were "within the limits of the constitutional protection of the freedom of expression" (409 U.S. at 118), but that its validity was established because the Twenty-First Amendment "strengthened" the validity of the rules or provided an "added presumption" of their validity.

The opposite conclusion, however, was reached by this Court in *Craig v. Boren*, 97 S.Ct. 451 (decided December 20, 1976), in which it held invalid on equal protection grounds an Oklahoma statute which permitted women to buy beer at a younger age than men.

This Court in *Boren* expressly rejected the proposition that the state law was "strengthened" by the Twenty-First Amendment. The opinion said:

> "The Twenty-First Amendment repealed the Eighteenth Amendment in 1933. The wording of §2 of the Twenty-First Amendment closely follows the Webb-Kenyon and Wilson Acts, expressing the framer's clear intention of constitutionalizing the Commerce Clause framework established under

those statutes. The court's decisions since have confirmed that the Amendment primarily created an exception to the normal operation of the Commerce Clause. See, e.g., *Hostetter v. Idlewild Bon Voyage Liquor Corp.* (1964) 377 U.S. 324, 330; *Carter v. Virginia* (1944) 321 U.S. 131, 139-140 (Frankfurter, J., concurring); *Finch & Co. v. McKittrick* (1939) 305 U.S. 395, 398. Even here, however, the Twenty-First Amendment does not *pro tanto* repeal the Commerce Clause, but merely requires that each provision 'be considered in the light of the other, and in the context of the issues and interests at stake in any concrete case.' *Hostetter v. Idlewild Bon Voyage Liquor Corp., supra,* 377 U.S. at 332, cf. *Department of Revenue v. James B. Beam Distilling Co.* (1964) 377 U.S. 341; *Collins v. Yosemite Park & Curry Co.* (1938) 305 U.S. 518.

"On passing beyond the consideration of the Commerce Clause, the relevance of the Twenty-First Amendment to other constitutional provisions becomes increasingly doubtful. As one commentator has remarked, '[n]either the text nor the history of the Twenty-First Amendment suggests that it qualifies individual rights protected by the Bill of Rights and Fourteenth Amendment where the sale or use of liquor is concerned.' *P. Best, Processes of Constitutional Decisionmaking* 258 (1975). Any departure from this historical view has been limited and sporadic. Two states successfully relied upon the Twenty-First Amendment to respond to challenges of major liquor importers to state authority to regulate the importation and manufacture of alcoholic beverages on Commerce Clause and Fourteenth Amendment grounds. See *Mahoney v. Joseph Triner Corp.* (1938) 304 U.S. 401; *State Board v. Youngs Mar-*

ket Co. (1936) 299 U.S. 59. 64. In fact, however, the arguments in both cases centered upon importation of intoxicants, a regulatory area where the State's authority under the Twenty-First Amendment is transparently clear; *Hostetter v. Idlewild Bon Voyage Liquor Corp., supra,* 377 U.S. at 330 and n. 9, and touched upon purely economic matters that traditionally merit only the mildest review under the Fourteenth Amendment, see e.g. *Joseph E. Seagram & Sons v. Hostetter* (1966) 384 U.S. 35, 47-48, 50-51 (rejecting Fourteenth Amendment objections to state liquor laws on the strength of *Ferguson v. Skrupa* (1963) 372 U.S. 726, 729-730; and *Williamson v. Lee Optical Co.* (1955) 348 U.S. 483). Cases involving individual rights protected by the due process clause have been treated in sharp contrast. For example, when an individual objected to the mandatory 'posting' of her name in retail liquor establishments and her characterization as a "excessive drink[er],' the Twenty-First Amendment was held not to qualify the scope of her due process rights. *Wisconsin v. Constantineau* (1971) 400 U.S. 433, 436.

" 'It is true that *California v. LaRue* (1972) 409 U.S. 109, 115, relied upon the Twenty-First Amendment to 'strengthen' the State's authority to regulate live entertainment at establishments licensed to dispense liquor, at least when the performances 'partake more of gross sexuality than of communication.' id at 118. Nevertheless, the court has never recognized sufficient 'strength' in the Amendment to defeat an otherwise established claim of invidious discriminations that violate the Equal Protection Clause.' " Rather, *Moose Lodge No. 107 v. Irvis* (1972) 407 U.S. 163, 178-179, establishes that state liquor regulatory schemes cannot work invidious discriminations that violate

the Equal Protection Clause.' " *Craig v. Boren, supra,* 97 S.Ct. at pp. 461-462.

"Although *Craig v. Boren* does not overrule *LaRue,* it places it on a limb with 'limited and sporadic' departures from the historical view that the Twenty-First Amendment is essentially limited to validating state laws which invade the Commerce Clause. *Craig v. Boren* substantially changed the court's interpretation of the three cases it had relied upon in *LaRue: Hostetter v. Idlewild Bon Voyage Liquor Corp.* (1964) 377 U.S. 324; *Joseph E. Seagrams & Sons v. Hostetter* (1966) 384 U.S. 35; *and State Board v. Young's Market Co.,* 299 U.S. 59. In *Craig,* the first of these cited cases was said to confirm the limitation of the Twenty-First Amendment to Commerce Clause cases had to merely provide a countervailing, rather than an overruling, constitutional principle. The second of the three cases was said to involve only a due process challenge to a state economic regulation. The dictum in the third case, which had been quoted in *LaRue,* was limited in footnote 21, to classifications expressly recognized by the Twenty-First Amendment, those classifications being the 'transportation and importation' of intoxicating liquor from one state into another for delivery or use therein.

"The absence of any underlying support for *LaRue's* interpretation of the Twenty-First Amendment had been commented upon in Law Review articles published prior to the decision in *Craig v. Boren.* Thus, in a review of the decisions of Justice Rehnquist, who wrote the majority opinion in *LaRue,* Professor David L. Shapiro of Harvard Law School says of the Opinion:

> " 'Justice Rehnquist points to nothing in the language of the amendment, and indeed there is nothing, even remotely suggesting that a state may condition a liquor license on the licensee's agreement not to engage in conduct otherwise protected by the First and Fourteenth Amendments. All the

Twenty-First Amendment does is prohibit *importation* of liquor into a state, thus assuring that efforts by such states to prevent importation will not run afoul of the Commerce Clause. Nor does Justice Rehnquist cite one work of legislative history of the amendment, a failure that is not surprising since that history is wholly consistent with its language: to guarantee to the states that any restrictions on importation of liquor will not be invalidated as a usurpation of Federal power over commerce.' " *Shapiro, "Mr. Justice Rehnquist: A Preliminary View,"* 90 Harv. L.R. 293, 305 (1976).

"Another commentator concluded, after reviewing the Opinion in detail:

" 'It is, therefore, not surprising that Justice Rehnquist in *California v. LaRue* raised the issue of 'an added presumption of validity' in the area of liquor legislation. Yet nothing in the history of this field would suggest that the 'presumption' is applicable, *except* where liquor regulations are challenged under the Commerce Clause. The Court's attempt in *California v. LaRue* to extend the 'presumption of validity' to liquor legislation which has nothing to do with the Commerce Clause is neither justified by the Twenty-First Amendment nor by those cases which have interpreted the Amendment.' " 7 *Urban Law Annual,* 421, 429 (1974).

A restrictive view of the Twenty-First Amendment, that is essentially the same as the one reaffirmed in *Craig v. Boren* was adopted by the California Supreme Court in *Sail'er Inn, Inc. v. Kirby* (1971) 5 Cal. 3d 1, 11-12, 95 Cal. Rptr. 329, 335.

In the appeal of Darcly, Inc. AB-4337, the Appeals Board attempted to distinguish *Boren* from *LaRue* on the grounds that *Boren* involved individual rights while *LaRue* involved regulation of licensed premises. (Opinion, p. 14). This is no distinction at all. Both cases involve both issues and both cases involve the question of whether the state's power to control individual rights is 'strengthened' by the Twenty-First Amendment, but came to opposite results.

The Board made no attempt to rationally reconcile the two cases. Appellant Robert Scott contends that no rational reconciliation is possible. This Court has eroded whatever slim basis existed for its decision in *LaRue, supra,* and in order to preserve the rationale of *Craig v. Boren, supra, LaRue* must be overturned.

CONCLUSION

For the reasons stated it is respectfully submitted that appellant's license suspension be reversed.

Respectfully submitted,

Law Offices of
KENNETH P. SCHOLTZ
315 South Beverly Drive
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(213) 879-0157
Attorneys for Appellant
Robert R. Scott, dba Slick Nick's

APPENDIX

143.3. Entertainers and Conduct. Acts or conduct on licensed premises in violation of this rule are deemed contrary to public welfare and morals, and therefore no on-sale license shall be held at any premises where such conduct or acts are permitted.

Live entertainment is permitted on any licensed premises, except that:

(1) No licensee shall permit any person to perform acts of or acts which simulate:

(a) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(b) The touching, caressing or fondling on the breast, buttocks, anus or genitals.

(c) The displaying of the pubic hair, anus, vulva or genitals.

(2) Subject to the provisions of subdivision (1) hereof, entertainers whose breasts and/or buttocks are exposed to view shall perform only upon a stage at least 18 inches above the immediate floor level and removed at least six feet from the nearest patron.

No licensee shall permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above.

No licensee shall permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus.

If any provision of this rule or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are severable.

NOTE: Authority cited: Section 25750, Business and Professions Code and Section 22 of Art. XX, Calif. Constitution. Reference: Sec. 23001, Bus. & Prof. Code.

History: 1. New section filed 7-9-70; designated effective 8-10-70 (Register 70, No. 28).

EXHIBIT A

STATE OF CALIFORNIA

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

CERTIFICATE OF DECISION

File **64421**

Reg. **3998**

It is hereby certified that the Department of Alcoholic Beverage Control, having reviewed the findings of fact, determination of issues and recommendation in the attached proposed decision submitted by a Hearing Officer of the Office of Administrative Procedure, adopted said proposed decision as its decision in the case therein described on **May 20, 1976.**

A representative of the Department will call on you on or after **July 8, 1976,** to pick up the license certificate.

Sacramento, California
Dated: **May 20, 1976**

Beatrice Smalley
Hearing and Legal Unit

EXHIBIT B

BEFORE THE

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

OF THE STATE OF CALIFORNIA

RECEIVED
JUN 17 1977
KENNETH P. SCHOLTZ

IN THE MATTER OF THE Accusation Against

Robert R. Scott
Slick Nick's Saloon
13055 E. Valley Blvd.
La Puente

on-sale beer conditional license

respondent
under the Alcoholic Beverage Control Act.

FILE 64421
REG. 3998

NOTICE AFTER APPEALS BOARD DECISION

The Alcoholic Beverage Control Appeals Board having affirmed the decision of the Department of Alcoholic Beverage Control in the above matter and the Supreme Court having denied hearing therein, the decision of the Department dated May 20, 1976 is now final.

A representative of the Department will call on you on or after June 24, 1977 to pick up the license certificate.

Sacramento, California
Dated: June 14, 1977

C. E. Cameron, Jr.
C. E. CAMERON, JR.
CHIEF COUNSEL

EXHIBIT C

STATE OF CALIFORNIA

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

First Amended
IN THE MATTER OF THE / Accusation
Against:

SCOTT, ROBERT R.
dba SLICK NICK'S SALOON
13065 E. Valley Boulevard
La Puente, California 91746

On Sale Beer (Food)

Respondent.

Polios: 350

File 64421
Reg. 3998

Licenses:

Time of Hearing: December 30, 1975

Place of Hearing: 314 West First Street
Los Angeles, California

Reporter: Patrick Patterson L-10094

Appearances:
For Dept: Doris Jaffe, Counsel
For Resp: Kenneth P. Scholtz, Atty.
315 S. Beverly Dr., Ste. 406
Beverly Hills, California 9021

under the Alcoholic Beverage Control Act.

I hereby certify that the following constitutes my proposed decision in the above-entitled matter as a result of the hearing held before me at the above time and place, after due notice thereof having been given according to law, and I hereby recommend its adoption as the decision of the Department of Alcoholic Beverage Control.

PROPOSED DECISION

FINDINGS OF FACT:

COUNT I

On or about May 16, 1975, the above-named on-sale licensee did permit Bonnie Lou Dorothy Davis to perform acts in the above-designated on-sale licensed premises, at which time said Bonnie Lou Dorothy Davis did display her pubic hair.

COUNT II

On or about May 16, 1975, the above-named on-sale licensee did permit an unidentified female dancer, whose first name is known only as "Nichole", to perform acts in the above-designated on-sale licenses premises, at which time said female dancer did display her pubic hair.

COUNT III

On or about May 16, 1975, the above-named on-sale licensee did permit entertainers Bonnie Lou Dorothy Davis and an unidentified female dancer whose first name is known only as "Nichole,", to expose their breasts, buttocks, and pubic hair to the view of patrons in the above-designated on-sale licensed premises, at which time and place said entertainers were not on a stage removed at least 6' from the nearest patron.

COUNT IV

On or about August 21, 1975, the above-named on-sale licensee did permit Patricia Louise Trammell to perform acts in the above-designated on-sale licensed premises, at which time said Patricia Louise Trammell did display her pubic hair.

COUNT V

On or about August 21, 1975, the above-named on-sale licensee did permit Kathleen Mary Ryan to perform acts in the above-

designated on-sale licensed premises, at which time said Kathleen Mary Ryan did display her pubic hair.

COUNT VI

On or about August 21, 1975, the above-named on-sale licensee did permit entertainers Patricia Louise Trammell and Kathleen Mary Ryan to expose their breasts, buttocks, and pubic hair to the view of patrons in the above-designated on-sale licensed premises, at which time and place said entertainers were not on a stage removed at least 6' from the nearest patron.

COUNT VII

On or about August 28, 1975, the above-named on-sale licensee did permit Patricia Louise Trammell to perform acts in the above-designated on-sale licensed premises, at which time said Patricia Louise Trammel did display her pubic hair.

COUNT VIII

On or about August 28, 1975, the above-named on-sale licensee did permit Joan Irene Gaudet to perform acts in the above-designated on-sale licensed premises, at which time said Joan Irene Gaudet did display her pubic hair.

COUNT IX

On or about August 28, 1975, the above-named on-sale licensee did permit entertainers Patricia Louise Trammell and Joan Irene Gaudet to expose their breasts, buttocks, and pubic hair to the view of patrons in the above-designated on-sale licensed premises, at which time and place said entertainers were not on a stage removed at least 6' from the nearest patron.

COUNT X

On or about May 24, 1974, the above-described alcoholic beverage license was issued to the respondent-licensee for the above-designated premises, subject to the following conditions:

That the petitioner shall not permit the following conduct or acts upon the licensed premises:

(1) Employ or use any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

(2) Employ or use the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in paragraph (1) above.

(3) Encourage or permit any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.

(4) Permit any employee or person to wear or use any device or covering, exposed to view, which simulates the breasts, genitals, anus, pubic hair or any portion thereof.

(5) Permit any person to perform acts of or acts which simulate:

(a) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(b) The touching, caressing or fondling on the breast, buttocks, anus or genitals.

(c) The displaying of the pubic hair, anus, vulva or genitals.

(6) Subject to the provisions of subdivision (5) hereof, entertainers whose breasts and/or buttocks are exposed to view shall perform only upon a stage at least 18 inches above the immediate floor level and removed at least six feet from the nearest patron.

(7) Permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above.

(8) Permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus.

(9) Permit the showing of film, still pictures, electronic reproduction; or other visual reproductions depicting:

(a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(b) Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.

(c) Scenes wherein a person displays the vulva or the anus or the genitals.

(d) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

The foregoing conditions duplicate language contained in rules 143.2, 143.3, and 143.4. Although respondent, by virtue of the matters set forth in the findings as to Counts I through IX, violated the conditions, the conduct is not an independent cause for discipline.

FINDINGS RE PREVIOUS LICENSE RECORD:

Licensed as above since May 24, 1974 with the following record of disciplinary action: Reg. #02896, dated 3/21/75 for violation of 25607, 647(f) P.C. Decision pending.

DETERMINATION OF ISSUES PRESENTED:

1. Respondent violated rule 143.3, subdivision (1)(c), as to Counts I, II, IV, V, VII and VIII.

2. Respondent violated Rule 143.3, subdivision (2), as to Counts III, VI, and IX.

3. Grounds for the suspenion or revocation of respondent's license were established pursuant to subdivisions (a) and (b) of the Business and Professions Code and Article XX, Section 22 of the California Constitution as to Counts I through IX.

4. No cause for discipline was established as to Count X.

PENALTY OR RECOMMENDATION:

1. The license is suspended for thirty (30) days on each of Counts I through IX, separately and severally, said suspension to run concurrently for a total suspension of thirty (30) days.

2. Count X is dismissed.

Dated at Los Angeles, California February 19, 1976

Philip V. Sarkisian

PHILIP V. SARKISIAN
Administrative Law Judge
Office of Administrative Hearings

PVS:mh

Los Angeles, Cal. , 19____

TITLE { Scott / Dept of A.B.C. } No. 50967

THE COURT: Petition for writ of review denied.

RECEIVED

MAY 2 1977.

KENNETH P. SCHOLTZ

CLAY ROBBINS, *Clerk*

39486-112 5-76 8M ⓑ OSP

EXHIBIT D

CLERK'S OFFICE, SUPREME COURT
4250 STATE BUILDING

SAN FRANCISCO, CALIFORNIA 94102

MAY 26 1977

I have this day filed Order

RECEIVED

JUN 1 1977,

KENNETH P. SCHOLTZ

In re: 2 Civ. *No.* 50967

Scott

vs.

Dept. of Alcoholic Beverage Control, et al.

Respectfully,

G. E. BISHEL
Clerk

42536-877 5-76 3M OSP

EXHIBIT E